

Nov. 5. 2012 12:04PM

Falls Village Resort

No. 6300 P. 1

**The Falls Village Resort**

200 Creekside Road

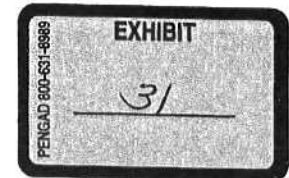
Branson, Missouri 65616

Fax Number 417-239-2006

Voice Number 417-239-2000

**FAX TRANSMITTAL SHEET**

Date 11-5-12  
To: Al Brahn  
Company:  
Fax Number: 712-883-2141  
From: Galen Sornson

Number of pages including cover: 5**MESSAGE:**Proof of Loss - Copy

402  
416  
5915

307 290 0092  
Wayne Wilson

THIS MESSAGE IS INTENDED ONLY FOR USE BY THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AT (417) 239-2000 AND RETURN THE ORIGINAL MESSAGE TO US VIA THE U.S. POSTAL SERVICE. THANK YOU!

PLF 58

Trial Ex. 37



10 A1 Bruhn  
 712-883-2141  
 2012 PROOF OF LOSS  
 FIREMAN'S FUND INSURANCE

No. 6300 P. 2

Date:  
 10/26/2012 10:32:45AM

Page 1 of 4

POLICY NO. IA-090-120853		CLAIM 219247-00	AUTHORIZED REPRESENTATIVE: None
INSURED:  BRUHN FARMS JOINT VENTURE  14535 WALNUT AVE MAPLETON, IA 51034 (712) 882-2735 <i>Cell 712-880-2639</i>		Copy	AGENT:  141252 TERRY NIELSEN AGENCY 205 MAIN PO BOX 87 IDA GROVE, IA 51445-0087 (712) 364-2431
DATE OF LOSS: 09/11/2012			Loss # 5

LINE ITEM	LOCATION					OPT. PROV.	CROP	PERIL	NO. ACRES	LIMIT PER ACRE	AGREED % OF LOSS	PREV. LOSS OR DED	FACTOR OR CLA	NET % LOSS	AMOUNT OF INS
	COUNTY	OTR. BLOCK	SEC. NO.	TWP. OR DIST.	RANGE										
1.0	133		25	084N	043W	BASIC	RYE	HAIL	300	500					
1.1	133		25	084N	043W	BASIC	RYE	HAIL	300	250					
2.0	133		25	085N	042W	BASIC	CORN	HAIL	8	500					
3.0	133		18	085N	042W	BASIC	CORN	HAIL	235	500					
4.0	133		10	085N	043W	BASIC	CORN	HAIL	150	500					
5.0	133		10	085N	043W	BASIC	CORN	HAIL	80	500					
6.0	133		1	084N	043W	BASIC	CORN	HAIL	156	500					
7.0	133		21	085N	042W	BASIC	CORN	HAIL	154	500					
8.0	133		2	085N	043W	BASIC	CORN	HAIL	150	500					
9.0	133		9	085N	043W	BASIC	CORN	HAIL	120	500					
10.0	133		16	085N	043W	BASIC	CORN	HAIL	155	500					
11.0	133		23	084N	043W	BASIC	CORN	HAIL	655	500					
12.0	133		23	085N	042W	BASIC	CORN	HAIL	20	500					
13.0	133		23	085N	042W	BASIC	CORN	HAIL	130	500					
14.0	133		23	085N	043W	BASIC	CORN	HAIL	315	500					
15.0	133		3	085N	043W	BASIC	CORN	HAIL	155	500					
16.0	133		6	084N	043W	BASIC	CORN	HAIL	123.5	500					
17.0	133		8	082N	042W	BASIC	CORN	HAIL	72	500					

PLF 59





2012 PROOF OF LOSS  
FIREMAN'S FUND INSURANCE

10/28/2012 10:32:45AM

Page 2 of 4

Copy

POLICY NO. IA-000-120853	CLAIM 219247-00	AUTHORIZED REPRESENTATIVE: None
INSURED: BRUHN FARMS JOINT VENTURE	Loss # 5	AGENT: TERRY NIELSEN AGENCY

LINE ITEM	LOCATION					OPT. PROV.	CROP	PERIL	NO. ACRES	LIMIT PER ACRE	AGREED % OF LOSS	PREV. LOSS OR DED	FACTOR OR CLA	NET % LOSS	AMOUNT OF INS
	COUNTY	QTR. BLOCK	SEC. NO.	TWP. OR DIST.	RANGE										
18.0	133	sw33-08	4	085N	044W	BASIC	CORN	HAIL	210	500					
19.0	047		28	085N	041W	BASIC	CORN	HAIL	155	500					
20.0	193		20	086N	043W	BASIC	CORN	HAIL	200	500					
21.0	193		20	086N	043W	BASIC	CORN	HAIL	100	500					
22.0	193		4	087N	045W	BASIC	CORN	HAIL	140	500					
23.0	193		4	087N	045W	BASIC	CORN	HAIL	1.2	500					
24.0	133	Home	25	085N	042W	BASIC	SBEAN	HAIL	142	500	6.8	15.0			
	133	Idustou	8	083N	042W	BASIC	SBEAN	HAIL	260	500	50.2	75.0	3.5		
26.0	133		31	085N	042W	BASIC	SBEAN	HAIL	475	500					
27.0	133		31	085N	042W	BASIC	SBEAN	HAIL	89	500					
28.0	133	W side	32	084N	042W	BASIC	SBEAN	HAIL	620	500	32.5				
29.0	133	Mayer	8	084N	042W	BASIC	SBEAN	HAIL	230	500	4.4				
30.0	133	Meyer	9	084N	042W	BASIC	SBEAN	HAIL	150.3	500	5.6				
31.0	133	Thorson	1	084N	043W	BASIC	SBEAN	HAIL	101	500	2.6				
32.0	133	Dahms	1	084N	043W	BASIC	SBEAN	HAIL	255	500	5.2				
33.0	133		6	084N	043W	BASIC	SBEAN	HAIL	20	500	0				
34.0	133	Thorson 35-085N	2	084N	043W	BASIC	SBEAN	HAIL	70	500	11.8				
35.0	133		9	085N	043W	BASIC	SBEAN	HAIL	110	500	0				
36.0	133	31,32,33	4	085N	043W	BASIC	SBEAN	HAIL	1278.5	500	0				
37.0	133	Barnes	5	084N	042W	BASIC	SBEAN	HAIL	290	500	3.6				
38.0	133	Thugan	7	085N	043W	BASIC	SBEAN	HAIL	230	500	1.9				
	133	Wills	23	084N	043W	BASIC	SBEAN	HAIL	1120	500	22.2				

PLF 60



**Burkhart, Larry (RCIS)**

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**From:** Grieme, Larry L (RCIS)  
**Sent:** Monday, December 17, 2012 10:40 AM  
**To:** Burkhart, Larry (RCIS)  
**Subject:** RE: Al Bruhn

The only claim I was involved with on Al, was this last shatter claim. Galen Sornson was assigned the claim and found that there were 6500 acres to look at. There were six of us that went to help get over all of these acres. I did not talk with Al at all, since I have had dealings with him in the past and thought it would be best. Al's hired man tagged along to show us the fields. As we would finish one he would take us to another. The hired man did not go out and see how we were counting the loss as I don't think he really cared. There were many sample areas to count in all parts of the fields, which was surprising. Most of these fields were big, some 640 acres and one 1100 acres. The loss on these varied a lot from one side to the other. One section had 55% on one side and 2 to 5 % on the other. When he looks at the average loss percentage for the whole field he probably feels we are short. There was previous loss to carry forward from earlier claims. The earlier claims were worked by Kansas adjusters and I don't think Al went to the field on those claims either. Jim Baldwin could fill you in on what went on with the previous claims.

Larry Grieme

FFIC 0090



Page 1

TRIAL EX. 39

# ADJUSTER'S SPECIAL REPORT

Loss No. 119247

Policy No. IA-090-120853

RC15

INSURANCE COMPANY

Date 1-11-13

Name of Insured Al Brahn - Brahn Farms Joint Venture

Address 14535 Walnut Ave City Mapleton State Ia.

Agency Name & Address Terry Nielsen Agency Ida Grove, Ia.

To Claims

Six adjusters met with the insured (Al Brahn) on Oct 22 & 23rd to work his hail shatter loss on several large fields. Prior to those dates I tried to contact Al on his cell phone with little success. His mail box was full. Then I tried his land line, same results (Full). Finally I called his agent Terry Nielsen who said I'll try and get him. IT didn't take long before Al called me.

Our 1st conversation centered on prior claims this year (2012), one was a replant claim on Soybeans & a corn claim. Insured was not satisfied with them. Finally, our conversation turned to his shatter loss claim. He felt it should have been worked before he had to leave samples. I told him I could not work this alone because of all the acres and I was waiting for other adjuster work loads to ease up so they could help.

One thing he told me more than once, he would not go along with us to witness the procedure, instead he sent a hired hand to show us the fields.

Adjuster

## ADJUSTER'S SPECIAL REPORT

Loss No. \_\_\_\_\_

Policy No. 120853RC15

INSURANCE COMPANY \_\_\_\_\_

Date 1-11-13Name of Insured Brubn Farms

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Agency Name &amp; Address \_\_\_\_\_

To Claims

The insured always told me he would wait till we were done adjusting and then we would look at the BIG picture of settlement.

After completing the claim on Oct. 23rd I had intended to go and see Al but his hired man (our guide) told us he had been really sick that day so I cancelled on that. 2 or 3 days later I called Al and talked to him about the proof and he wanted me to send it to his agent so they could go over it, which I did.

Days later I met with the agent Terry Nidse, he told me Al would like the loss percentages raised on certain fields. I told the agent there was no way that was going to happen. End of meeting.

John Lomen

Adjuster

**Burkhart, Larry (RCIS)**

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**From:** Bird, Dan L (RCIS)  
**Sent:** Monday, December 31, 2012 2:32 PM  
**To:** Eldredge, Chuck L (RCIS); Poverud, Rick D (RCIS)  
**Cc:** Burkhart, Larry (RCIS)  
**Subject:** Bruhn Hail Claim

Chuck and Rick,

I just talked to Larry about this claim. I'm not sure how much either of you know, but we have a disputed claim amount in the neighborhood of \$700,000. Additionally, we have no signed documents because the adjusters couldn't seem to get in contact with the policyholder. I told Larry that I'd like to see our entire claims file, including all contact logs from the adjusters involved, pictures, etc, etc. I'm hoping that given the size of claim and their inability to contact the policyholder that they have an extremely well documented file. Also, I understand that Rod had some contact with the policyholder, either before or after settlement. We will need to know exactly why he was involved and what was discussed. Once we have all of the information, I will likely ask for a legal opinion before we proceed. Our attorney may want to interview those involved, again, depending on the level of documentation.

Unfortunately, I'm going to be out of the office until January 21<sup>st</sup>. Therefore, I would ask that you guys gather and review the information that we have in our file and set up a meeting with me that week to discuss what we have or what it missing if anything. For obvious reasons, I would ask that you keep your emails to a minimum as they would be discoverable in the event that we end up in litigation or arbitration. After our meeting, I will visit with Rod about his conversations with the policyholder.

Thanks in advance and Happy New Year.

Dan

FFIC 0534

**From:** Burkhardt, Larry (RCIS)  
**Sent:** Monday, December 17, 2012 9:36 AM  
**To:** Grieme, Larry L (RCIS)  
**Subject:** Al Bruhn

Please take a few minutes and write back with anything you can think of about the claims with Bruhn. I cannot get into QUEST right now to check the special report. I have to call Al and need to know what all happened this summer. Did he ever go to the field, how many fields does he think we owe him more on, is he arguing about beans or corn or both, did he have anyone go to the field for adjustments, anything else you can fill me in on would be helpful. Thanks Larry, I think all the adjusting was correct, but you know Al.....



**Burkhart, Larry (RCIS)**

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Monday, November 19, 2012 3:00 PM  
**To:** Cerven, Edward D (RCIS); Longman, Edward J (RCIS)  
**Subject:** RE: Hail Claim Al Bruhn # 120853

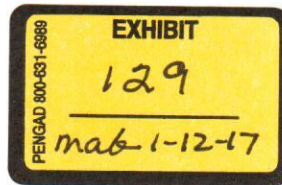
Only thing I know would be another attempt at a phone call nad leave message if possible—hate to give this guy anything to complain about, like no signature. Don't know what his angle might be.

**Burkhart, Larry (RCIS)**

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Monday, November 19, 2012 2:52 PM  
**To:** Longman, Edward J (RCIS)  
**Cc:** Cerven, Edward D (RCIS)  
**Subject:** RE: Hail Claim Al Bruhn # 120853

Any idea why the insured has not been available to sign for ½ M \$ check. Any possible reason he has something to argue about, be pretty gutsy if he does.



WWW.RCIS.COM

3501 THURSTON AVENUE • ANOKA, MN 55303-1060  
PHONE: 1-800-328-9143

We grow stronger everyday—together <sup>SM</sup>

January 25, 2013

CERTIFIED MAIL: 7007-1490-0004-4948-1833

Bruhn Farms Joint Venture  
14535 Walnut Avenue  
Mapleton, IA 51034

RE: 2012 Crop Hail Policy  
Policy: IA-090-120853  
Claim: 219247-00

Dear Mr. Bruhn:

Rural Community Insurance Services (RCIS) has reviewed the documentation relative to the hail claim submitted under the above-captioned policy. RCIS has concluded that it adjusted and processed the claim in accordance with procedure and correctly paid you for this claim. If you disagree with RCIS's determination, please provide a written explanation and all supporting documentation. Thank you.

Sincerely,

Larry Burkhardt  
RCIS Crop Hail / Named Peril Field Claims Manager  
[Larry.Burkhardt@RCIS.com](mailto:Larry.Burkhardt@RCIS.com)

cc: Terry Nielsen Agency (14-1252)  
Ed Longman, RCIS Field Claims Manager  
Ed Cerven, RCIS Regional Claims Manager  
Steve Kevorkian, RCIS Areas Claims Supervisor  
Rod Nelson, RCIS Regional Service Manager  
File

FFIC 0665



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**Burkhart, Larry (RCIS)**

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Thursday, December 20, 2012 11:05 AM  
**To:** Poverud, Rick D (RCIS)  
**Subject:** RE: Al Bruhn

This just in, I didn't look far enough down, we did have a notice on 9/26 and the adjuster

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**From:** Poverud, Rick D (RCIS)  
**Sent:** Thursday, December 20, 2012 9:45 AM  
**To:** Burkhart, Larry (RCIS)  
**Subject:** RE: Al Bruhn

I have been always curious on that as you know..

We should be able to track the whole process once we talk to mgrs.—or you may be able to see some of it as you are looking.

I am cautious to throw adjuster under bus until I know we had a timely NOL and had a chance to work. Also, all the he said she said stuff, you just dont know.

We need to have all sides of story to understand or at least attempt to understand—however may not change outcome

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Thursday, December 20, 2012 9:40 AM  
**To:** Poverud, Rick D (RCIS)  
**Subject:** RE: Al Bruhn

I have found something interesting though, in looking at the 400 it doesn't appear there was a loss reported after July.....rather curious. We may be throwing rocks at the wrong people, the adjusters, maybe it's the agent we need to stone-----investigating further now.

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**From:** Poverud, Rick D (RCIS)  
**Sent:** Thursday, December 20, 2012 9:36 AM  
**To:** Burkhart, Larry (RCIS)  
**Subject:** RE: Al Bruhn

Fyi.. if you push "alt" then print screen your second monitor wont show and the print will be normal/full screen.. tip of day.

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Thursday, December 20, 2012 9:28 AM  
**To:** Poverud, Rick D (RCIS)  
**Subject:** Al Bruhn

This gives the policy information.....total premium is almost ¼ M

FFIC 0495

**Burkhart, Larry (RCIS)**

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Friday, January 04, 2013 9:58 AM  
**To:** Kevorkian, Steven A (RCIS)  
**Subject:** Al Bruhn

I need a little help, Please review all the claims for 2012 for Al Bruhn and then provide the following.....

For each claim.....DOL---date reported----date assigned to adjuster----date worked  
List of every adjuster involved with each claim and their contact information  
Need all documentation from each adjuster related to any contact with agent or insured regarding  
each claim---dates, times, left message, was call returned etc.

I really need this by the end of next week, please call if you have any questions. Thank you

FFIC 0537

**Burkhart, Larry (RCIS)**

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Wednesday, January 09, 2013 7:23 PM  
**To:** Kevorkian, Steven A (RCIS)  
**Subject:** Adjuster reports

One thing I need from each adjuster is a description of their efforts to contact mr bruhn. Was it easy, difficult, impossible. How did they finally resolve contact. Again, all must be professional and factual, no opinions or assumptions needs. Just the facts. Thanks Steve. Need tomorrow.

Larry

FFIC 0540



**From:** "Cerven, Edward D. (RCIS)" <[Edward.Cerven@rcis.com](mailto:Edward.Cerven@rcis.com)>  
**Date:** November 19, 2012 2:35:24 PM CST  
**To:** "Longman, Edward J. (RCIS)" <[Ed.Longman@RCIS.COM](mailto:Ed.Longman@RCIS.COM)>  
**Subject:** FW: RE: Hail Claim Al Bruhn # 120853

Normally I would say send it up without signatures but..... This is the policy which had rye on it with big loss, the insured was one that kicked Grieme off farm about 3 years ago and also the one that Nelson took liab for corn and soybeans when effective date was questionable. High dollar review is complete paying about \$450K. What should we do with it??

**Burkhart, Larry (RCIS)**

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**From:** Burkhart, Larry (RCIS)  
**Sent:** Saturday, December 15, 2012 7:48 PM  
**To:** Eldredge, Chuck L (RCIS)  
**Cc:** Poverud, Rick D (RCIS)  
**Subject:** Re: Troubled IA insured

I can. It's a long story and we have a history with this insured. I'll need to get the details, I think we had 6 or 8 adjusters on his claims this year.

Larry

FFIC 489

Al Bruhn loss-Bruhn Farms Joint Venture 14-090-120853

There were six claims on this policy for the year. See attachment for the dates recorded on the AS 400. All of the claims except the last were worked by out of state adjusters. It was thought to be the best, since all of the Iowa adjusters have had problems with this insured and this operation.

Claim 208696 was on Rye. It was a non-waiver claim since there was a question as to the date insurance went into effect.

Claim 213205 was a light loss on corn and beans, there was a field of corn with a very light loss that was deferred.

Claim 213205-01 and 213205-02 –corn was adjusted for the deferral- additional loss was applied to this 655 acre field of corn.

Claim 216639 was worked and withdrawn.

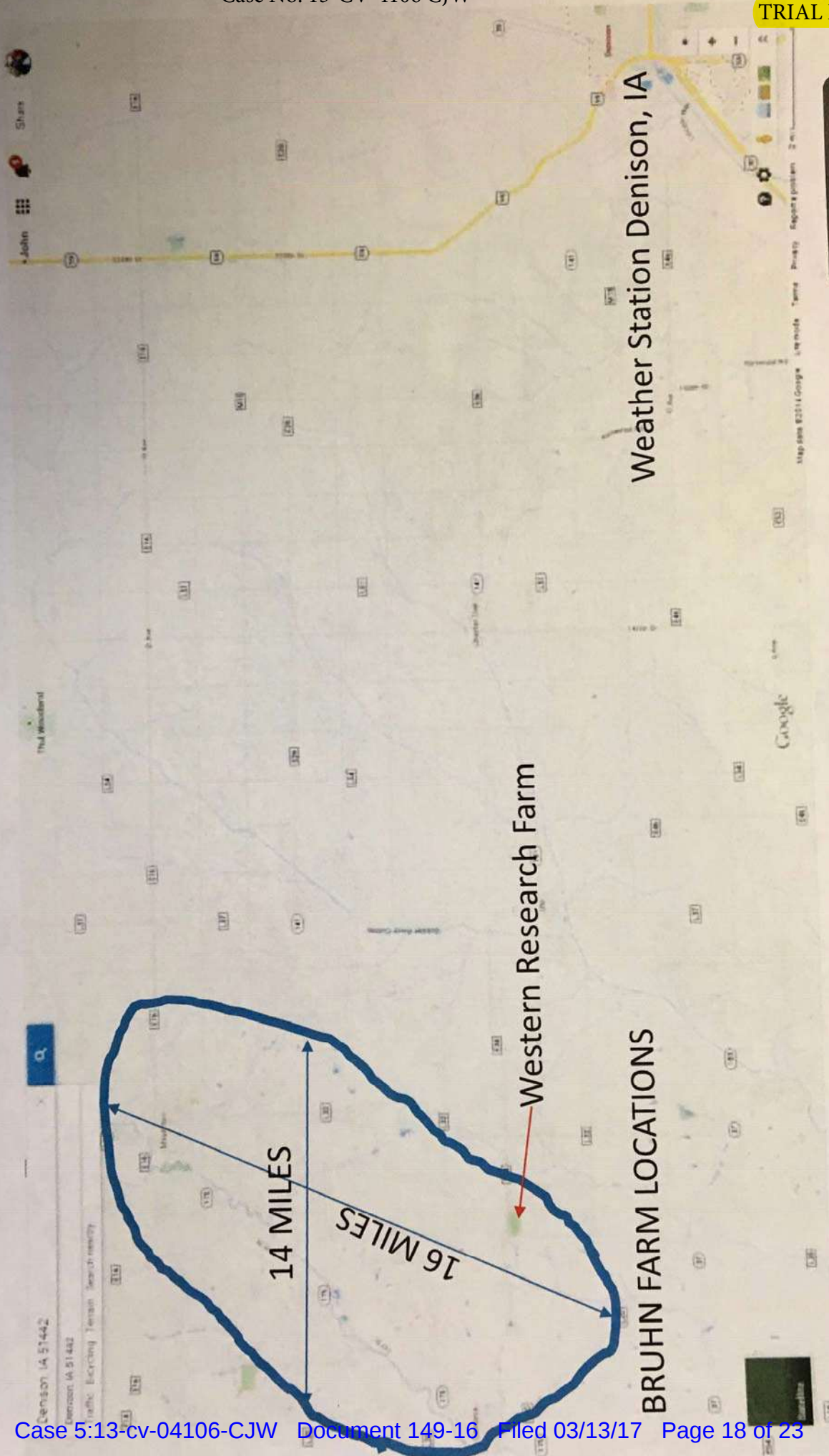
Claim 219247 was the last. It was worked by a group of Iowa adjusters since it was on shatter for 6500 acres of beans. See review form.

Adjusters said it was extremely hard to make contact with this insured to make arrangements to work the claims and then again when it was time to present our findings and try to get it signed. I cannot give you specific dates on each attempt for the last claim or the others since they were worked by Kansas adjusters. I am sure they probably had the same problem with making contact.

By checking all losses on Quest, it looks like all losses were accounted for. All losses were carried forward to show total loss to date.

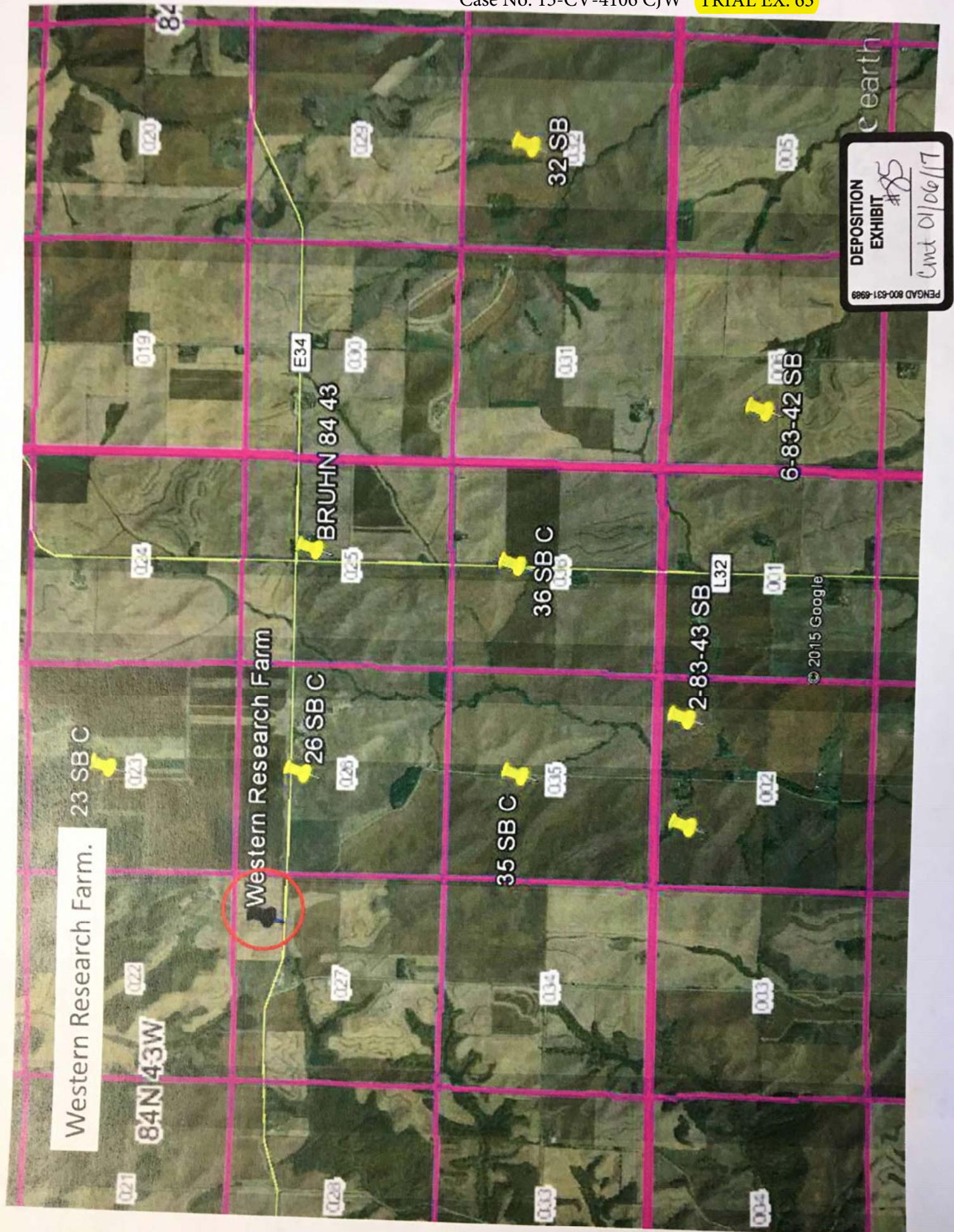
The only signature from the insured that I see is on the non-waiver which would pertain to the first two losses.



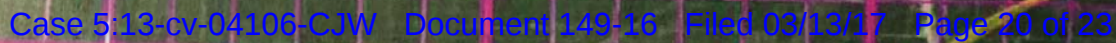


DEPOSITION  
EXHIBIT  
# 82  
Cmt 01/06/17  
PENGAD 800-631-6989













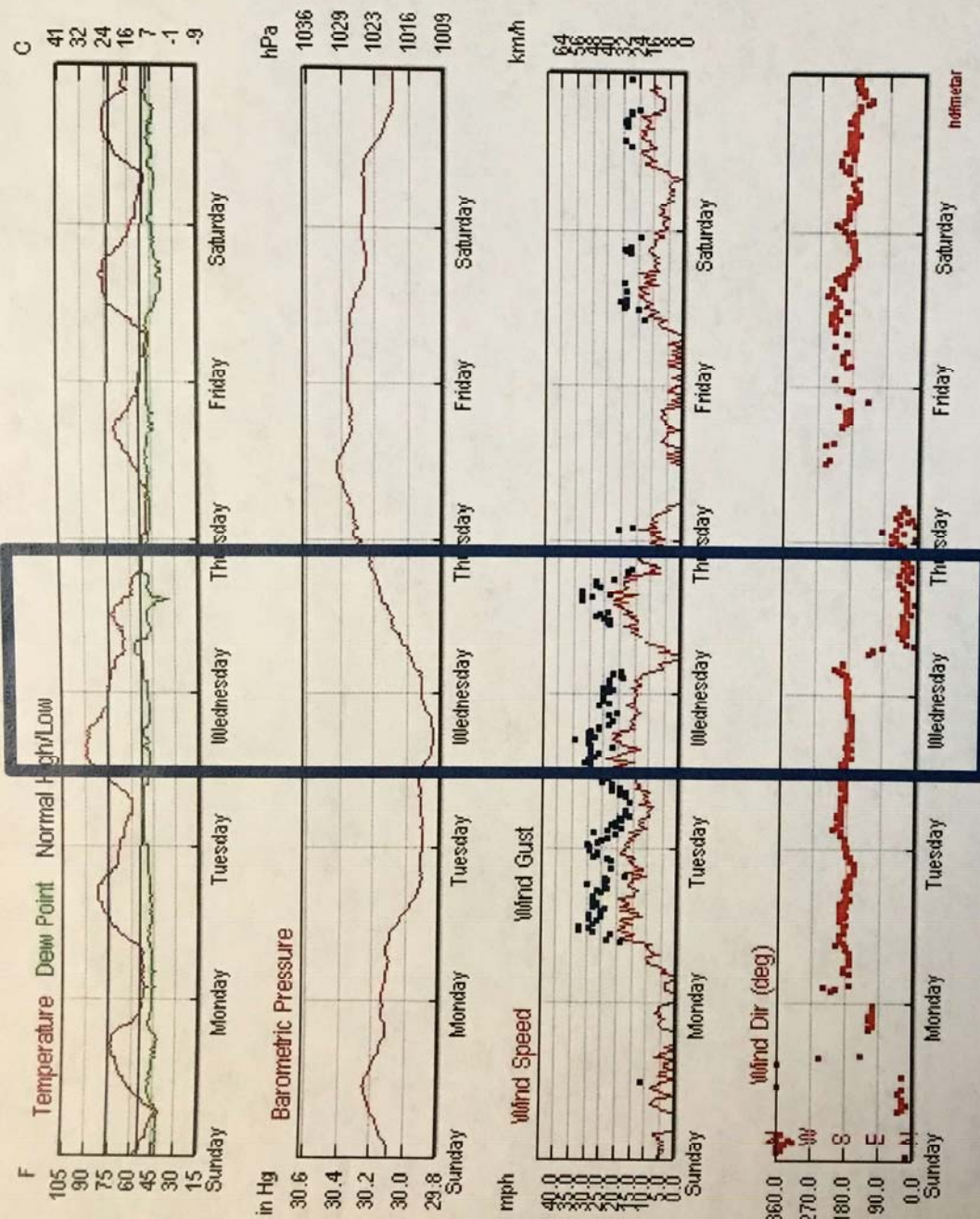


[illegible]

DEPOSITION  
EXHIBIT  
# 88  
Cmt 01/06/17  
PENGAD 800-631-6989



Weather data indicated  
the storm occurred  
9/12-13/2012



2012	Sep	Temp. (°F)			Wind Speed			Precipitation		
		high	avg	low	high	avg	high	high	sum	
	9	75	58	42	8	4	13		0	
	10	82	66	50	20	8	32		0	
	11	91	76	60	24	15	34		0	
	12	77	64	51	24	12	32		0.38 Rain	
	13	69	58	48	14	5	21		0.06 Rain	
	14	78	63	48	15	5	21		0	
	15	77	64	50	14	7	22		0	

DEPOSITION  
EXHIBIT

#89  
Cmt 01/06/17

PENGAD 800-631-6989